

REMARKS

Claims 1-5 are pending in the application. Claims 1-2 and 4-5 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

Applicant notes with appreciation the indicated allowability of claim 4. This claim will be in condition for allowance upon being amended to independent form and to overcome any rejections under 35 USC §112.

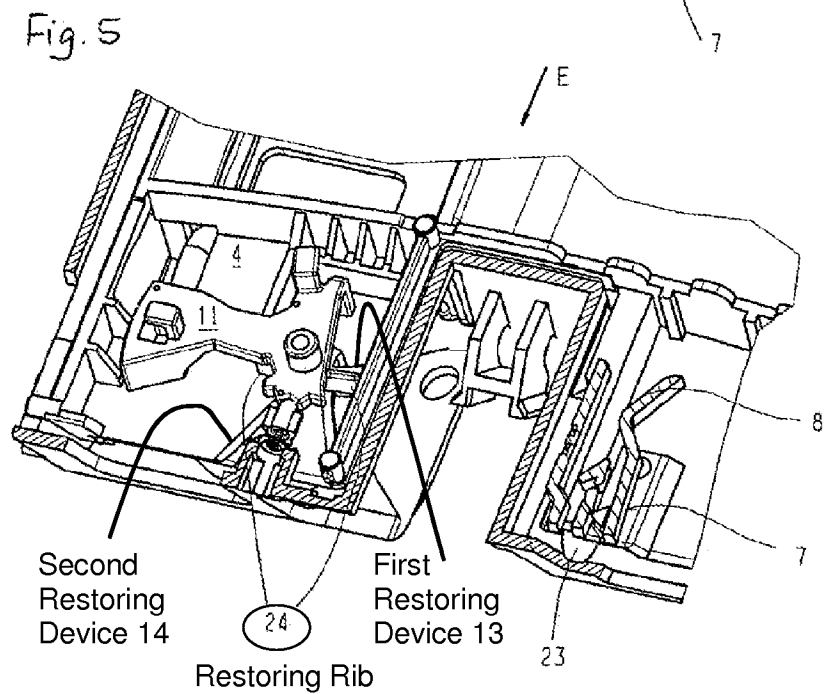
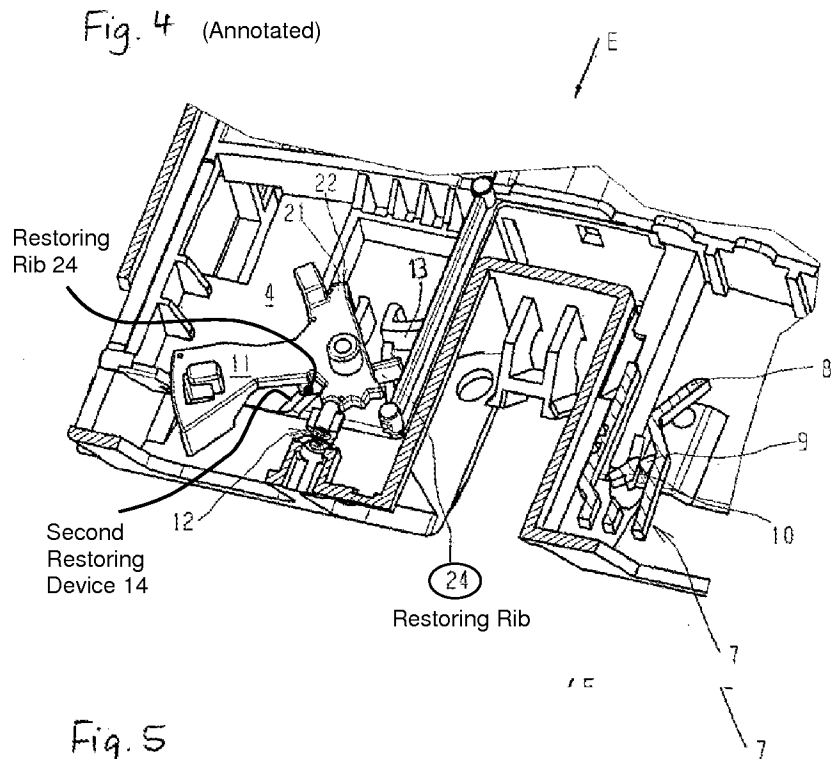
II. OBJECTION TO THE DRAWINGS

The Examiner objects to the drawings as failing to show how restoring rib 24 rides over the second restoring device 14 in order to maintain the mass 11 in the position shown in Figure 2. The Examiner refers especially to a figure showing the receptacle in the open position detailing the position of the safety locking mechanism with respect to the housing, as described in the specification.

Applicant respectfully submits that such features are in fact already shown in the figures as discussed below. Consequently, applicant respectfully requests withdrawal of the objection.

As is shown in Figs. 4 and 5 of the present application, reproduced below, the drawings do in fact illustrate how the restoring rib 24 rides over the second restoring device 14. For the Examiner's convenience, the figures as shown herein have been annotated to include the specific callouts for the restoring rib 24 and the second restoring device 14 consistent with that shown in the other figures. Fig. 4 illustrates the mass 11 in the deflected position. Fig. 5, on the other hand, shows the mass 11

restored to the basic position (of Fig. 2) as a result of the restoring rib 24 riding over the second restoring device 14 and coming into contact with the first restoring device 13.



Consequently, applicant respectfully submits that the drawings already show how the restoring rib 24 rides over the second restoring device 14 in order to maintain the mass 11 in the position shown in Fig. 2.

Regarding the Examiner's specific request for a figure showing the receptacle in the open position detailing the position of the safety locking mechanism with respect to the housing, it is unclear why the Examiner asks for such a figure. To the extent the Examiner feels it is needed to show the restoring rib 24 riding over the second restoring device 14 in order to maintain the mass 11 in the position shown in Fig. 2, applicant respectfully submits that such feature is already shown in Figs. 4 and 5 as discussed above, for example.

Furthermore, such a figure would simply be the same as Fig. 2 with the exception that the receptacle would be moved against the direction of arrow E (Fig. 4) to reflect an opened position. Applicant respectfully submits that the invention relating to the operation of the safety locking mechanism is clearly illustrated in the existing drawings, and such an additional drawing showing the receptacle in the open position is substantially redundant and not necessary for a complete understanding of the safety locking mechanism.

III. REJECTION OF CLAIMS 1-5 UNDER 35 USC §112, 2ND ¶

Claims 1-5 stand rejected under 35 USC §112, second paragraph, as being indefinite. Specifically, the Examiner indicates it is unclear whether the receptacle is intended to be part of the claimed invention, or simply a statement of intended use.

Applicant has amended claims 1-5 to reflect that the receptacle itself is not a necessary part of the safety locking mechanism operative in conjunction therewith. Moreover, claims 1-5 have been amended to reflect that the safety locking mechanism is operative not only with respect to a receptacle, but also other objects in a vehicle such as a slider of a drink holder. (See, e.g., Subst. Spec., p. 1, Ins. 9-14).

In view of such clarification, applicant respectfully requests that the rejection be withdrawn.

IV. REJECTION OF CLAIM 5 UNDER 35 USC §112, 1ST ¶

Claim 5 stands rejected under 35 USC §112, first paragraph, as being indefinite. Specifically, the Examiner states that it is unclear how the second restoring device 14 will maintain the mass 11 in channel 20 as the restoring rib 24 moves over the second restoring device 14.

Claim 5 defines the safety locking mechanism as including a second restoring device 14 effective by movement of the receptacle 4 from the open into the closed position. As is discussed in the present application, the mass 11 includes a holding claw 21 (see, e.g., Fig. 2). The holding claw 21 moves or extends into the region of the undercut 22, whereas the restoring rib 24 rides over the second restoring device 14. (Spec., p. 7, Ins. 12-15; and above discussion). During such time as the receptacle is closing, the second restoring device 14 (e.g., walls 14 in Figs. 2 and 3) presses the holding claw 21 in the direction of the recess 20, and hence the mass 11 returns to its basic position. (Spec., p. 8, Ins. 19-24).

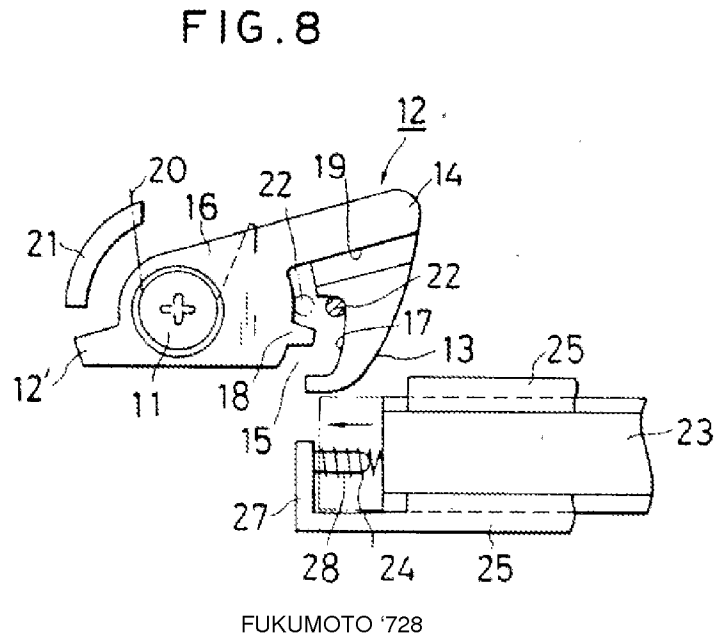
Accordingly, applicant respectfully submits that it is clear from the specification how the second restoring device 14 will maintain the mass 11 in channel 20 as the restoring rib 24 moves over the second restoring device 14. Applicant respectfully requests withdrawal of the rejection.

V. REJECTION OF CLAIMS 1-3 AND 5 UNDER 35 USC §102(b)

Claims 1-3 and 5 stand rejected under 35 USC §102(b) based on *Fukumoto* (US 5052728). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 1 recites, *inter alia*, the safety locking mechanism including an engaging device which holds the mass in the deflected position; and a restoring device, effective in response to an overpressure applied to the receptacle or other object, to direct the mass as held by the engaging device in the deflected position into the basic position.

Referring to Fig. 8 of *Fukumoto* (reproduced herein), for example, the Examiner equates the cam lever 12 with the mass recited in claim 1. The Examiner goes on to equate the inertia stopper 23 in *Fukumoto* with the engaging device recited in claim 1. The Examiner refers to coiled spring 24 as constituting the claimed restoring device.



As previously noted, claim 1 calls for an engaging device that holds the mass in a deflected position. The mass in the deflected position holds the receptacle or other object closed. Claim 1 further calls for a restoring device, effective in response to an overpressure applied to the receptacle or other object, to direct the mass as held by the engaging device in the deflected position into the basic position..

In *Fukumoto*, cam lever 12 in conjunction with pin 22 of the moveable body 2 serves to provide a conventional push-push locking mechanism such as that described in the background section of the present application. (See, e.g., Col. 5, ln. 9 to Col. 6, ln. 2 of *Fukumoto*). The cam lever 12 itself does not provide a safety locking mechanism. That is why *Fukumoto* goes on to describe the feature of inertia stopper 23 in order to provide such safety function. (See, e.g., Col. 6, lns. 3-16).

Nevertheless, to the extent the Examiner considers the cam lever 12 to be the mass as recited in claim 1, *Fukumoto* does not include an engaging device that holds the mass (cam lever 12) in the deflected position and a restoring device, effective in response to an overpressure applied to the receptacle or other object, to direct the mass (cam lever 12) as held by any engaging device in the deflected position, into the basic position.

Referring to Fig. 8, *Fukumoto* teaches that upon a sudden stop or collision, the inertia stopper 23 moves against the biasing force of the coiled spring 24 (shown in phantom in Fig. 8). Such movement brings the inertia stopper 23 into slide contact with the side surface of the backward end of the front inclined surface 13. This permits the pin 22 to escape from the recess 17, but the pin 22 cannot enter the straight upward slope 19 and, therefore, the moveable body 2 cannot move to its open position and is thus kept closed. (Col. 6, Ins. 51-68).

Significantly, *Fukumoto* teaches that “[a]s soon as the automobile is free from the force of inertia, ... the inertia stopper 23 moves away from the cam lever until (the) front end thereof abuts on the tongue-like member 26 by the biasing force of the coiled spring 24”. As a result, the moveable body can be moved to its open position again. (See, e.g., Fig. 9).

Thus, the inertia stopper 23 in *Fukumoto* does not function in accordance with the claimed engaging device as suggested by the Examiner. The inertia stopper 23 does not hold the mass (cam lever 12) in the deflected position such that the mass (cam lever 12) is subsequently returned to the basic (non-deflected) position by applying overpressure to the moveable body 2 as claimed. Rather, the inertia stopper 23 serves to deflect the cam lever 12 during a sudden stop or collision. The inertia stopper 23 by no means holds the cam lever 12 in the deflected position as it is clear in *Fukumoto* that the inertia stopper 23 immediately returns to its original position “as soon as the automobile is free from the force of inertia”.

More specifically, the mass (cam lever 12) is by no means returned from its deflected position to its basic position as a result of a restoring device effectively applying an overpressure to the movable body 2 as recited in claim 1. The mass (cam lever 12) returns from its deflected position to its basic position as a result of the inertia stopper 23 moving away from the cam lever 12 due to the biasing force of the coiled spring 24. This happens independently of the movable body, i.e., the coiled spring 24 is not effective to apply in any way application of an overpressure to the movable body 2. Thus, it is not by way of applying an overpressure to the moveable body 2 that the cam lever 12 is returned to its basic position as recited in claim 1.

The main disadvantage of the safety locking mechanism taught in *Fukumoto* is that the mechanism is not reliable in the case of a series of accelerations and decelerations of different intensities. (See, e.g., Subs. Spec., p. 2, Ins. 14-18). In accordance with the present invention, however, the mass is held in the deflected position by the engaging device after the first acceleration. The mass remains held, and thus the receptacle remains locked closed, until the user pushes the receptacle with overpressure.

For at least the above reasons, applicant respectfully submits that *Fukumoto* does not teach or suggest the features of the claimed invention. Withdrawal of the rejection is respectfully requested.

VI. CONCLUSION

Accordingly, all claims 1-5 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Application No.: 10/568,249

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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